

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL LEU, as Proposed Administrator of the
Estate of PAMELA LEU, Deceased,

Plaintiff,

-against-

08-CV-5160 (DAB)

PFIZER INC., PARKE-DAVIS, a division of
Warner-Lambert Company and Warner-Lambert
Company LLC, WARNER-LAMBERT COMPANY,
WARNER-LAMBERT COMPANY LLC,
ACTAVIS INC., ACTAVIS ELIZABETH LLC
and PUREPAC PHARMACEUTICAL CO.,

Defendants.
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**DECLARATION OF GAIL SCHLANGER IN OPPOSITION TO THE
ACTAVIS DEFENDANTS' MOTION TO DISMISS THE COMPLAINT**

I, Gail Schlanger, declare under penalty of perjury as follows:

1. I am an attorney with the law firm of Finkelstein & Partners, LLP, counsel for the Plaintiff, Michael Leu, in this action.
2. This declaration is submitted in opposition to the motion by Defendants Actavis Inc., Actavis Elizabeth LLC, and Purepac Pharmaceutical Co. (collectively "Actavis"), for an Order pursuant to Fed. R. Civ. P. 12(b)(6), dismissing Plaintiff's claims against Actavis for lack of standing.
3. Plaintiff Michael Leu contacted our firm and sought our legal services for the purpose of making a claim for the wrongful death of his wife, Pamela Leu, caused by her ingestion of the drugs Neurontin and gabapentin, manufactured, distributed and sold by the Defendants.

4. We explained to Mr. Leu that our firm would timely file a complaint on his behalf but that he would have to seek to be appointed administrator of his wife's estate in order to continue with the case.

5. Mr. Leu has advised that he wishes to apply for such an appointment and to proceed with his case.

6. Our firm is presently in the process of assisting Mr. Leu to prepare and file the requisite papers with the Probate Court in Ohio in order to secure such an appointment.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 25, 2008

s/ Gail Schlanger

Gail Schlanger

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned certifies that on June 25, 2008, I caused to be served copies of the Declaration of Gail Schlanger in Opposition to the Actavis Defendants' Motion to Dismiss the Complaint, via the Court's Electronic Case Filing System, upon all counsel of record.

Dated: June 25, 2008

s/ Gail Schlanger

Gail Schlanger

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